

REMARKS

As a result of this amendment, claims 1 and 3-7 have been amended and claims 8-13 have been canceled. It is believed that this amendment will clarify the present invention and distinguish it from the cited prior art.

ALLOWABLE SUBJECT MATTER

The Applicant gratefully acknowledges the Examiner's determination that claims 14-17 are allowed and that claim 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has now been amended to be equivalent to original claim 12 including all of the limitations of the base claim and any intervening claims. Claims 1-7 are therefore now believed to be in an allowable condition.

CLAIM REJECTIONS – 35 USC 102

The Examiner has rejected claims 1-11 and 13 under 35 USC 102(b) as anticipated by Daly (US Patent 5,639,319, hereinafter "Daly '319"). The Applicant has amended claim 1 to be equivalent to original claim 12 including all of the limitations of the base claim and any intervening claims. As claim 12 was determined by the Examiner to be allowable, claim 1 and dependent claims 2-7 are therefore now believed to be in an allowable condition. The remaining rejected claims 8-11 and 13 have now been canceled.

CLAIM REJECTIONS – 35 USC 112


The Examiner has rejected claims 1-17 under 35 USC 112 as being indefinite for using the term "naturally derived carrier fluid". The Examiner recognizes that the specification and claims contain examples of the term "naturally derived carrier fluid" in the form of molasses and corn syrup and are discussed in the specification as being a natural product.

Natural is defined as "1. Present in or produced by nature." in the Second College Edition of The American Heritage Dictionary. Accordingly, the carrier fluid is a fluid derived from materials that are not man-made such as the natural products listed in the specification (sorghum, cane, sugar beet, corn, soybean, or lumber) at the second sentence of paragraph [0010]. These listed products are all plants that are distinguishable from typical man-made sealant carriers such as Ethylene Glycol and Polypropylene Glycol. Accordingly, the Applicant believes that the term

"naturally derived carrier fluid" should be given its ordinary meaning as used in the specification which is sufficient to provide clear guidance that a carrier fluid created produced from a natural product meets the definition of "naturally derived carrier fluid". In the alternative, the Applicant requests an example of a material to which there would be a question as to whether it was or was not a "naturally derived carrier fluid".

It is believed that the present amendment clarifies and distinguishes the present invention over the cited references and that entry of the amendment will put the claims in a condition of allowance.

Respectfully submitted,
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